

Oct-08-03 04:32pm From-

T-101 P.001/003 F-906

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DATE: October 8, 2003

TO: Technology Group: TC1600

USPTO

FROM: Raymond O. Linker, Jr.

MESSAGE:

OFFICIAL - NON-FINAL RESPONSE (ELECTION WITH TRAVERSE)

Appl. No. 09/762,194

Filed: October 8, 2001

In re: Elbaz et al.

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Attorney's Docket No. 033339/208804

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Elbaz et al.

Confirmation No.: 1669

Appl No.: 09/762,194

Group Art Unit: 1653

Filed: October 8, 2001

Examiner: Laurie A. Mayes

For: NUCLEIC SEQUENCES CODING FOR AN AT2
INTERACTING PROTEIN INTERACTING WITH THE
AT2 RECEPTOR AND THEIR APPLICATIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION WITH TRAVERSE

In response to the Office Action dated September 10, 2003, Applicants provisionally elect the claims of Group I, namely Claims 1-5 and 9-14, drawn to nucleic acid molecules and nucleic acid constructs.

However, Applicants request reconsideration by the Examiner and withdrawal of the restriction requirement for the reasons set forth more fully below, which demonstrate that the nucleic acid molecules and protein as claimed relate to a single general inventive concept.

The Examiner contends that restriction is proper because, under PCT Rule 13.2, the separate groups of claims lack the same special technical features. However, the subject matter of Claims 1-20 relates to a single general inventive concept, the technical relationship being the ATIP protein.

The Examiner's attention is directed to the fact that the International Preliminary Examination Report ("IPER") that was issued in the PCT application from which this national phase application derives found Claims 1-20 to have novelty and inventive step with respect to the prior art documents cited in the Search Report. Moreover, none of the cited documents either mentions or suggests the existence of a ligand such as ATIP. Based upon the IPER, the instant sequences are clearly novel over the prior art.

The Examiner has cited a document identified as AF121259 bearing a date of 18 January 1999, and the Examiner contends that this document shows that an isolated protein which is capable of interacting with the AT2 receptor, and which is selected from SEQ ID NO: 4 (present Claim 6) is known in the art.

However, the date of this document is after Applicants' priority date of 4 August 1998. The PCT application from which the present national phase application derives claims priority from French Application No. 98/09997, filed 4 August 1998.

Oct-08-03 04:34pm From-

T-102 P.003/003 F-908

in re: BLOAZ et al.

Appl No.: 09/762,194

Filed: October 8, 2001

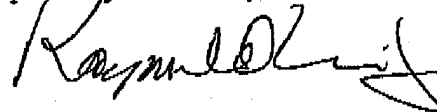
Page 2

Therefore, the cited document cannot be used by the Examiner to show the lack of a common novel inventive step and lack of unity of invention.

For these reasons, the subject matter of Claims 1-20 involves a single inventive concept. Therefore, Applicants request reconsideration by the Examiner, withdrawal of the requirement for restriction, and an examination on the merits of Claims 1-20 as now presented.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those, which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

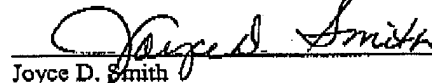


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